

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Khammam District - Revision Petition filed by Sri Khaja Nehru S/o Nagabhushanam R/o Penagadapa Village, Kothagudem Mandal, Khammam District against the Orders of the Additional Agent to Government, Bhadrachalam, Khammam in CMA No.53/2008, dated 30.04.2016- Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 40

Dated: 03-10-2018

Read the following:-

- 1)Revision Petition filed by Sri Khaja Nehru S/o Nagabhushanam R/o Penagadapa Village, Kothagudem Mandal, Erstwhile Khammam District dated: 13-05-2016.
- 2)Hon'ble High Court at Hyderabad orders dated:26.05.2016 in WP.MP.No.20639/ 2016 in W.P.No.16754/16.
- 3)Govt.Memo.No.4429/TW.LTR/2016,Dated:18-01-2017.

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ORDER

In the reference 1st read above, Sri Khaja Nehru S/o Nagabhushanam R/o Penagadapa Village, Kothagudem Mandal, Erstwhile Khammam District has filed Revision Petition before the Government, aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in CMA No.53/2008, dated 30.04.2016 in respect of land to an extent of Acres 5-19 gts in Survey No.365/5/EE situated at Penagadapa Village, Kothagudem Mandal, Erstwhile Khammam District.

2. In the reference 2nd read above, the Hon'ble High Court at Hyderabad in its order dated:26.05.2016 in WP.MP.No.20639/2016 in W.P.No.16754/16 has issued the following order:

"Heard learned counsel for the Petitioner. There is no representation for the respondents.

The learned counsel for the Petitioner would submit that assailing the orders in CMA No.53 of 2008, a revision is filed on 15.05.2016 before the first respondent and that along with the revision, an application for grant of stay is also filed and that no orders are being passed in the said proceedings and that under similar circumstances, the brother of the Petitioner filed WP No. 34879 of 2015 and in the said WP, this Court granted status quo order while directing the first respondent to dispose of the revision filed by the brother within a period of three months from the date of the said orders and granted status quo orders on that date and that this matter is covered by the said orders and, therefore, the petitioner is entitled to the similar order. He would also submit that by the order impugned, there is a direction to register a complaint under Section 6-A(1) of the Land Transfer Regulation against the petitioner and their supporters if they continued in possession and, therefore, there is imminent threat of dispossession.

Having regard in the facts and circumstances of the case, this Court is satisfied that sufficient case is made out for granting appropriate orders for a limited period.

Accordingly, status quo as on today shall be maintained with regard to the subject property until 16.6.2016. List on 16.06.2016"

3. In the reference 3rd read above, the Revision Petition was taken on record and while sending a copy of the Revision Petition to the Project Officer & Additional Agent to Government, Bhadrachalam it was requested to furnish Para Wise Remarks and connected case records.

4. The Main grounds of the case are as follows:

- The order of the learned Additional Agent to Government, Bhadrachalam, Khammam District is contrary to law, material evidence on record and facts and circumstances of the case.
- The learned Additional Agent to Government ought to have seen that only on the allegation that as if the 4th respondent (Kanakamedala Kutumba Rao, S/o: Rathaiah R/o: Meresipeta, Tenali Town, Guntur District) alienated the subject property in favour of the petitioner in the year 1975, as such the petitioner possession is contravention of regulation is not correct, since he is in possession of the land prior to enactment.
- The learned Additional Agent to Government ought to have seen there is no authority to initiate suo moto proceedings in the absence of any aggrieved party and both the parties are non-tribe and no tribal interest is involved, as such the initiation of proceeding itself without jurisdiction.
- The learned Additional Agent to Government has no authority to initiate criminal proceedings under Sec.6(A) of the Land Transfer Regulation in the absence of any complaint or any violation of the Land Transfer Regulation.
- The learned Additional Agent to Government has erred in ordering to initiate criminal proceedings without issuing any show cause notice to the petitioner:
- The learned Additional Agent to Government having recorded finding stating that the petitioner is in possession of the subject land as such there is no contravention of regulation, hence approach of the both authorities without sanction of law.
- Fixed court fee is paid and the revision is filed with in the stipulated period of limitation from the date of order i.e., 30-04-2016.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Bhadrachalam it is observed that;

- The Revision Petition is filed against the order of Additional Agent to Government, Bhadrachalam in CMA No.53/2008, dated 30.04.2016. Revision Petitioner purchased the land on 10.04.1975 from one Sri Kanakamedala Kutumba Rao through a sada sale deed. Sri Kanakamedala Kutumba Rao has purchased the land on 03.02.1968 from Smt.Mirajunnabisa Begum through a Regd. Sale deed. Sri Kutumba Rao (N.T) can enjoy the property but he cannot sale the same to another Non Tribe. The sale transaction is on 10.04.1975 through a sada sale deed.
- Hence the provisions of Land Transfer Regulation are attracted. The sale transaction is not valid between Sri Khaja Nehru and Kanakamedala Kutumba Rao.

6. Government after careful examination of the matter, hereby rejects the Revision Petition filed by Sri Khaja Nehru S/o Nagabhushanam R/o Penagadapa Village, Kothagudem Mandal, Khammam District and hereby upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam in in CMA.No. 53/2008 dt 30.04.2016 in respect of land to an extent of Acres 5-19 gts in Survey No.365/5/EE situated at Penagadapa Village, Kothagudem Mandal, Khammam District.

7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

Sri Khaja Nehru S/o Nagabhushanam R/o Penagadapa Village,
Kothagudem Mandal, Erstwhile Khammam District and
now Bhadradi Kothagudem District.

Sri Kanakamedala Kutumba Rao, S/o: Rathaiah,
R/o Maresupeta, Tenali Town, Guntur District.

The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District (w.e.)

Copy to :

The Special Deputy Collector(TW), Bhadrachalam, Khammam District.
for information and necessary action.

The Tahsildar, Kothagudem Mandal, Bhadradi Kothagudem District.

The Government Pleader for Social Welfare, High Court, Hyderabad.

Sri M.M. Srinivasa Rao, M.V.Venu,
1-3-183/40/68/C/2, Near Play Ground-2,
Gandhinagar, Hyderabad.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER

